

## Indiana Department of Environmental Management

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*(Text does not include verbatim comments)*

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Thank you. It's good to be back in Lafayette.

No, I am not a Boilermaker - I earned my law degree from "THAT" other university - but I have had the opportunity to visit the Lafayette - West Lafayette community on several occasions since joining state government, first when I worked for the Indiana Department of Natural Resources and now in my job as commissioner of the Indiana Department of Environmental Management.

I have always found this community a progressive one that is blessed with good leadership in Mayors Heath and Margerum and many community-minded individuals who labor to make their hometown a better place to live. I enjoy working with the kind of people found in this community, because together we can make your community and our state a better place to live, work and play.

Governor O'Bannon appointed commissioner of IDEM of April 1 - Now, that's no April Fools Joke - and I joined the staff on April 12. Before coming to IDEM, I spend six years with the Indiana Department of Natural Resources, Serving four years as chief legal counsel and two years as deputy director of the Bureau of Water and Resource Regulation. I was responsible for the divisions of fish and wildlife, soil conservation, water, outdoor recreation and entomology and plant pathology, I had 450 full-time staff and a \$30 million budget to manage.

I grew up just up the road in Chicago and earned a bachelor's degree just over the state line in Champaign-Urbana at the University of Illinois. My law degree is from "THAT" other university but at least I attended school on the Indianapolis campus. And before joining state government, I practiced law here in Indianapolis.

I recognize the trust that the governor has placed in me and, of course, I work hard every day to fulfill his trust. IDEM has been a wonderful opportunity for me. We've made demonstrable progress cleaning up Indiana's environment in the past decade but it goes without saying that there's a lot more work to do.

I was asked to speak about water issues that my agency is addressing.

First, let me share some words of wisdom spoken by the late Sen. Edmund Muskie of Maine to frame my speech. "High quality water," he said "is more than the dream of the conservationists, more than a political slogan; high quality water, in the right quantity at the right place at the right time, is essential to health, recreation *and* economic growth."

Regrettably but honestly, I must tell you that we have not been kind to our state's and nation's waters and like that TV commercial of several years ago - "Pay me now or Pay me later" - we find ourselves today making amends for our past practices. Let me give you an example of what I am talking about.

Just yesterday I had a chance to visit Newton County. Not much up there to see but farmland; so why did I visit this rural country? It makes a great segue into my speech today.

Parts of Newton County were not always farmland but a vast wetland and grassland which some people have compared to the Florida Everglades, supporting wildlife everywhere . . . beaver, deer, muskrat, mink, ducks, geese and fish which drew anglers from around the world. This site it called the Kankakee Sands Restoration Project and the Nature Conservancy is trying to re-establish a segment of our lost heritage.

In the Nineteenth Century, and before, this part of Northwest Indiana was a vast wetland. Besides supporting wildlife - although people did not know it at the time - it performed an incredible environmental service by both filtering and cleaning surface water and recharging the groundwater. But what surprised me the most about Kankakee Sands and reinforces my comment that we haven't been kind to our nation's and state's waters was that there was a lake called Beaver Lake. It was seven-miles long, five-miles wide and nine-feet deep . . . **the largest freshwater lake in Indiana!** By 1900, it was gone. We had drained Beaver Lake for cornfields and bean fields. As we have learned over the years, we need places like Kankakee Sands for the health of our environment, for a place to recreate and as a home for wildlife. The Nature Conservancy has bought 7,200 acres of what was wetland and grassland and slowly, over time, hopes to restore this acreage to the way it was so many years ago.

We need to wish the Nature Conservancy well in its efforts to return a portion of our heritage to us. And while we at IDEM certainly applaud the Nature Conservancy for its efforts whether in Newton County, throughout Indiana or throughout the nation, it is important to note that IDEM is not in the nature conservancy business. It is in the environmental protection business.

We try to strike a balance in our policies, rules and regulations that protects the environment but in a manner that will sustain our vigorous economy. Some of IDEM'S most contentious issues arise in our water program.

Obviously, clean, abundant water is civilization's life blood. Our water resources are what led Indiana to become the leader in making steel in America and a major industrial state and our plentiful rainfall, ground water and fertile soil have made Indiana an agricultural leader, too. But our abundance of water and the way we have handled it has also left us with some of our greatest environmental challenges.

Seven out of every 10 Hoosiers now get their drinking water from community public water supplies. Today in Indiana we have more than 4,000 public water-supply systems. Eighty percent of those water suppliers get their water from ground water sources. The remaining 20 percent, which includes most of Indiana's largest suppliers, get their water from surface water sources

such as rivers and reservoirs. These drinking water sources point up the reasons we have to be so concerned about the pollution of surface and ground water.

The U.S. EPA has established drinking water standards for 77 contaminants. Any public water supplier that exceeds this standard, fails to properly treat its water or fails to conduct the required testing, violates these regulations.

In 1998, ninety-three percent of the public water suppliers that serve residential and commercial customers all year round were in compliance with the rules and regulations. An even more encouraging statistic is that since 1994, the number of people who get their drinking water from suppliers that are in significant non-compliance dropped from 450,000 to just 12,000.

Wetlands are also so very important. As I noted a few minutes ago, people years ago didn't always understand the long-term consequences of their actions. When settlers from other parts of the country first came to Indiana, there was more than five and one-half million acres of wetlands. Today, 85% of those wetlands are gone, drained away just like Beaver Lake in Newton County. What we once considered a nuisance and spent millions to drain, fill in and destroy, we now know was a natural habitat for wildlife and that made our water quality better.

That's why today state and federal laws require approval before filling in a wetland and often require additional wetlands be constructed to replace the acres that are lost. And it is also why there are great efforts being made to restore wetlands in many parts of this state; again, just like the Kankakee Sands Restoration Project.

While ground water and wetlands are important to us, it is surface water - reservoirs and rivers - that people most think of when they think of water pollution. Indiana has 36,000 miles of streams and more than 600 publicly owned lakes and reservoirs covering more than 106,000 acres. Indiana also has 46 miles of coastline on Lake Michigan. Of these millions of gallons of water, IDEM lists 208 streams and lakes in Indiana as impaired. These are the ones that will take our best efforts and energy to bring up to a standard of which we can all be proud.

As a part of those efforts, this year we have issued two landmark second draft notices of new rules. Those are the new surface water quality standards and the first-ever ground water quality standards. In those efforts we have incorporated the best scientific practices we can . . . including the better science methods cited in our Great Lakes Initiative rule.

Also during the recent past at IDEM we have been able to put our money where our mouth is. We have continued to award grants under Section "319", which provides states territories, and tribes with grants to implement non-point source pollution management programs. During fiscal year 1999, we awarded thirty-two Section "319" grants for a total amount of more than four million dollars. Since the inception of the Section "319" Program in the late 1980s, IDEM has distributed eight million dollars for the development of about 180 projects.

We have also successfully expanded our State Revolving Fund loan program. We have streamlined the process for our wastewater loans to enable communities to get more money more easily. In fiscal year 1999 alone we awarded twenty-eight loans for a total amount of

\$161,469,000. Prior to 1999, we had never awarded more than twelve loans in any one year or more than sixty-three million dollars in a year. As of today, we have already awarded nine loans for more than twenty million dollars . . . and we are still going strong! And I am please to tell you that some of this SRF money has been directed to this community. IDEM awarded West Lafayette a \$19,950,000 loan in fiscal years 1994 and \$9,170,000 loan in fiscal year 1999. And for Mayor Heath, I want to assure you that Mayor Margerum has not borrowed all of the money. We have some more if your community needs a loan.

And we have also expanded the program to include funds for drinking water improvements. The SRF loan program has saved local communities and their ratepayers millions of dollars more than what their improvements would have otherwise cost, because it provides low-interest loans below bond market rates.

The other water issue that I would like to spend a few minutes discussing is not a pleasant topic but the more unpleasant the problem, the more we need to solve it. It is called combined sewer overflows.

These sewers, built in the late Nineteenth and early Twentieth centuries, carry sewage, including human waste, and storm water runoff in the same sewer line. These lines can become overburdened during even modest rain storms, discharging untreated waste into the state's waterways like the Wabash River.

Untreated waste carries disease-causing bacteria and viruses that can make people ill just from coming in contact with it. Correcting the combined sewer overflow will take a tremendous effort from all of us - local, state and federal governments - working together to solve it.

So when and where did this effort begin? It began almost three decades ago with the 1972 Clean Water Act. An immense but necessary undertaking, this challenge will take decades to meet. But we solve large problems by solving one piece of the problem at a time. That is how we will clean up our water, one step at a time. The federal government focused its initial effort on improving wastewater treatment plants, cleaning up the water that these facilities discharge into our waterways. With this step well under way, we must now turn our attention to reducing combined sewer overflows.

IDEM has been issuing new wastewater permits - called National Pollutant Discharge Elimination Systems permits - to the 106 communities throughout Indiana that have combined sewers, including Lafayette and West Lafayette.

Now, for those of you who watch Indianapolis television news, you probably have heard about this issue. It became a hotly debated topic in the Indianapolis mayoral campaign. Because this issue received such notoriety, I wanted to take this opportunity to set the record straight, because this permit affects your community.

All that this permit requires is that your community develop a long-term control plan. A road map, if you will, that explains to residents, as well as environmental regulators, what **reasonable** and **affordable** corrective measures the community will use **over a period of many years** to

reduce combined sewer overflows. And let me re-emphasize a crucial aspect of this long-term control plan: The corrective measures **must be affordable**. IDEM has issued West Lafayette its permit and will issue Lafayette its permit during the first half of 2000.

In most instances, communities can reduce combined sewer overflows by eight-five to ninety percent for a reasonable cost. Now, I acknowledge that Indiana has a very high water-quality standard - full-body contact - and that reducing combined sewer overflows by even eighty-five to ninety percent does not comply with this stringent requirement. I also know that complying with Indiana's water-quality requirement all of the time is not affordable for any Hoosier community with this problem. So what is being done to compensate for the ten to fifteen percent differences between a substantial reduction of combined sewer overflows and Indiana's water-quality standard?

Scientists, environmentalists, academicians and state and local government leaders continue to work to determine under what wet-weather conditions the state could safely ease its water-quality standard. For example, a possible wet-weather exemption might be a significant storm event during which several inches of rain falls. We all know that it would be enormously expensive to capture all of this water, hold it until a later time when a treatment plant can process it. That simply does not make sense.

We expect to have the recommendations of the Wet Weather Task Force in hand by the first part of next year. If approved by the Indiana Water Pollution Control Board, these recommendations could have the effect of putting every Hoosier community with combined sewers into compliance with our state's water-quality standard at an affordable cost. Additionally, neither IDEM nor the U.S. EPA will impose fines on any community for combined sewer overflow violations provide it has a long-term control plan and it sticks to the plan's schedule to correct the problem.

Now, at this time, I would like to invoke that long-standing privilege called "the speaker's prerogative." After all, when Tony Langley asked me to speak, he asked me if I believed in "free speech." Well, of course, I do. Tony said "good," I want you to give a free speech on December 3. So, Tony, turn around is fair play.

I want to take some time to tell you about IDEM's Agency Priorities, which will be our road map for the next year and a half. They are 1) Reducing Exposure to Toxics, 2) Partnering for Liveable Environments, 3) Communicating Environmental Information, and 4) Building a Better IDEM.

**Reducing Exposure to Toxics** In many ways this might be our most important goal. Let me highlight some of the specific projects we will be focusing on in this area.

We will expand our focus on children, where they spend their days and where they live. We will develop an integrated pest management pilot program. We will work with child care facilities and schools to introduce them to integrated pest management practices. We will work with the state chemist to hold workshops throughout the state. We will work to increase the number of facilities that participate in the 5-Star Child Care Facility program. We will expand our outreach program to teach parents environmental safety for their children.

We will also begin a program to deal with the problem of asthma in children. We will determine those areas in the state where asthma rates are abnormally high. We will then work with government and private agencies to develop strategies for schools to use in the targeted areas.

We will also begin programs to target sources of styrene and methylene chloride and to reduce the levels of these chemicals in our environment. We will build on our lead and mercury programs, and we will work to expand the Governor's Toxic Reduction Challenge.

**Partnering For Liveable Environments** We will be working hard to improve accessibility and empower local communities in environmental matters. Our various program areas will increase their efforts to deal with specific issues and environmental problems in communities.

We will work hard to develop ways to assist communities in environmental planning. Too often we in Indiana face problems that are the result of shortsightedness or poor planning. Too many communities don't have the tools and resources they need to include environmental issues in their growth plans. For example, wastewater issues have not always held the same importance as planning for streets and lights.

IDEM will begin to work with local communities to assist them to make reasoned, careful choices about their environment and their future . . . choices that allow them to weigh environmental concerns against issues of growth and economic development.

We plan to improve and expand our approach to environmental challenges through the watershed approach. IDEM's first pilot watershed program involves this community and county . . . The Wildcat Creek Watershed. We all know that environmental problems do not respect political boundaries. A plume of contaminants in a river doesn't recognize a county line or a town boundary. Environmental mitigation and protection require a comprehensive and collaborative approach, one that recognizes and works with a variety of programs and agencies. The watershed approach establishes a framework for coordinating and integrating a multitude of programs and resources. This type of approach directs the focus on water quality in a geographic area delineated by a watershed and reflects the realization that in order for all of the waters of the state to achieve the goal of designated uses for recreation, aquatic life support and drinking water supply, we must implement an integrated approach which includes a common information base. We hope to do this by mid-2001.

**Communicating Environmental Information** We plan to make information more accessible within our agency and to those of you on the outside. Sometimes someone in the agency will have developed great information and put it in a very usable form. However, someone who works two floors away doesn't know about it. And if someone two floors away doesn't know about it, someone at the other end of the state is even more in the dark about it.

We plan to attack these weaknesses and make the environmental information more accessible. We will work to integrate various databases and make them known and easy to get to. In the very near future, we will be going on line with an interactive permit guide which will make a tremendous amount of information about permitting easily accessible. That's really good news for businesses right here in Lafayette and West Lafayette and around the state.

We are beginning an effort to improve and consolidate our file rooms and the information they contain. We will be locating the files for our offices of Air, Water and Land in one location - on the twelfth floor of Indiana Government Center North. We will also explore ways to make our files accessible electronically. We also plan to put as much information as we can in IDEM's regional offices file rooms in Gary, Evansville and South Bend, too.

**Building a Better IDEM** We plan to work better and smarter as an agency. We plan to improve our work environment, in part, by doing more to make you, and other Hoosiers, more aware of what we are doing. We also plan to walk the walk as well as talk the talk. IDEM will be a leader in Governor Frank O'Bannon's "Greening the Government" initiative. We will increase our purchase and use of more recycled materials. We are already working hard at source reduction for paper . . . and believe me, reducing the amount of paper in a bureaucracy as large as IDEM is no easy feat but we will do it. Another effort under this priority is the formation of an internal team to look at achieving more consistency in the area of compliance and enforcement across the agency. We also plan to enhance and improve our use of the regional offices in Northwest Indiana, Southwest Indiana, and Northern Indiana.

We have a lot of work cut out for ourselves at IDEM. But it needs to be done to make our hometowns and our state better places environmentally. We have made tremendous progress in cleaning up our environment since Rachel Carson wrote *Silent Spring* in 1962. I only hope that I can witness firsthand the progress in the decades ahead.

I also hope you have learned something from my speech about our environment, because as Harlan Cleveland wrote in the *Christian Monitor*:

"This is the first generation in the history of the world that finds that what people do to their natural environment is maybe more important than what the natural environment does to and for them. We also have some measuring sticks for change that we never had before. And, as always happens with knowledge, as soon as you know something, you have some responsibility."

Ladies and gentlemen, my speech today has left us - you and me - with some responsibility.

Thank You.